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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/062,799	01/31/2002	Valene Skerpac		3395

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EXAMINER

DAVIS, ZACHARY A

ART UNIT	PAPER NUMBER
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2137

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/21/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/062,799	SKERPAC, VALENE	
	Examiner	Art Unit	
	Zachary A. Davis	2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submissions filed on 15 September 2006 and 20 October 2006 have been entered.
2. By the submission filed on 15 September 2006, Claims 1, 2, and 4-6 were amended. Claim 3 was canceled. New Claim 7 was added.
3. By the submission filed on 20 October 2006, Claims 6 and 7 have been amended. No claims have been added or canceled. Claims 1, 2, and 4-7 are currently pending in the present application.

Response to Arguments

4. Applicant's arguments with respect to claims 1, 2, and 4-7 have been considered but are moot in view of the new ground(s) of rejection.

Response to Amendment

5. Regarding the objection to the amendments filed 27 January 2006 and 27 February 2006 under 35 U.S.C. 132(a) as introducing new matter, Applicant argues that the original disclosure did, in fact, provide support for at least automatic speech recognition (or ASR) matching, and voice features and a user's voice print. Applicant further states that the previously amended text has been amended to clarify that if two validation signals are issued then the user is authenticated. Regarding the latter contention, the Examiner agrees that the feature objected to as new matter (i.e. two validation signals matching each other) has been clarified by the subsequent amendment. However, regarding the former contention, although Applicant cites several portions of the original disclosure allegedly supporting the features added by the above-noted amendments, the Examiner respectfully disagrees that these portions support the added text.

Specifically, while the Examiner agrees that the various citations quoted (see pages 8-9 of the response received 15 September 2006) do clearly show speech recognition, the Examiner disagrees with the assertion that the original disclosure shows that it is performed automatically. There are several references to speaker and speech recognition performed independently and simultaneously, and the cited portions of the disclosure refer to using real-time natural language processing and speech recognition modeling; however, none of these explicitly states or implicitly suggests that such processing is, in fact, automatic. The original disclosure is entirely silent on the

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issue of whether the speech recognition is automatic, and therefore the addition of "automatic speech recognition" introduces new matter.

Further, while the Examiner notes that the above-noted cited portions of the disclosure do show, in general, "voice information used for speaker recognition" and "voice information used for speech recognition" and creating the "representative statistical forms" of such voice information by performing signal processing, the Examiner believes that such general disclosure does not disclose or suggest the specifically added limitations of a user's "voice print" and specific "voice features" of that voice print. The original disclosure makes no mention whatsoever of voice prints or voice features, and therefore the addition of those features introduce new matter.

6. The amendments filed 27 January 2006 and 27 February 2006 are objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

In the specification, in the paragraphs to be inserted on page 17 of the specification, noted at pages 5-6 of the response received 27 January 2006, disclosure has been added of a signal being processed by "automatic speech recognition (ASR)" for "ASR matching". There was neither mention nor support of ASR or automatic speech recognition in the disclosure as originally filed. The Examiner notes that new Figure 1 also includes a reference to ASR. Further, disclosure has been added in

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reference to "voice features" and a user's "voice print". Although there is general disclosure of voice recognition, there is no explicit mention of voice features or a voice print in the disclosure as originally filed.

Applicant is required to cancel the new matter in the reply to this Office Action.

Drawings

7. The objection to the drawings is withdrawn in light of the amendment to the specification clarifying the description of Figure 1.

Specification

8. The objection to the disclosure for informalities is withdrawn in light of the amendments to the specification. Applicant's cooperation is again requested in correcting any other errors of which applicant may become aware in the specification.

Claim Objections

9. The objection to Claim 5 for informalities is withdrawn in light of the amendments to the claim, and the objection to Claim 3 is moot in light of the cancellation of that claim. The objection to Claim 1 is maintained because the amendment has introduced

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additional informalities, and the objection to Claim 4 is maintained because not all informalities have been addressed.

10. Claims 1 and 4 are objected to because of the following informalities:

Claim 1 recites the limitation "in response to matching between said second signal and said stored biometric model" in lines 14-15. It appears that this should instead read "in response to a match between said second signal and said stored biometric model". Similarly, Claim 1 also recites the limitation "in response to matching between said second signal and said challenge phrase" in lines 17-18; it appears that this should instead read "in response to a match between said second signal and said stored biometric model".

Claim 4 recites the limitation "information from a user representative of the user" in line 2 of the claim. This is somewhat unclear, as it appears that the user is representative of the user, and should be changed to recite receiving "information representative of a user from the user".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

11. Regarding the rejection under 35 U.S.C. 112, second paragraph, as noted in the advisory action mailed 05 October 2006, although some of the issues of indefiniteness have been addressed, other issues specifically noted in the final Office action mailed 20 June 2006 have not been addressed or acknowledged by the present response; further,

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the amendments to the claims have raised additional issues of indefiniteness.

Therefore, the Claims remain rejected as set forth below.

12. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

13. Claims 1, 2, and 4-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitations "said first data base for generating and delivering a randomly generated challenge phrase" in lines 8-9 of the claim, "the voice information used for speech recognition" in lines 16-17, and "said selected challenge phrase" in line 19. There is insufficient antecedent basis for these limitations in the claim.

Claim 2 recites the limitation "the spoken response" in line 10 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "a multiplicity of users" in both lines 6-7 and line 9. It is not clear if the second recitation is intended to refer to the same "multiplicity" as the first recitation. Similarly, the claim recites "the user" in line 9, line 14, line 15, and line 17 of the claim. Because there is a multiplicity of users in lines 5-6, and also a user in line 2, it is not clear to which user these are intended to refer. Additionally, the claim recites "a user" at line 13; it is not clear if this is different from the user recited in line 2, or one of the users of one of the recited multiplicities of users. Further, the claim recites "the stored biometric model of a user" in line 13 and "said stored biometric model of the user" in line 15. There is insufficient antecedent basis for these limitations in the claim.

Claim 5 recites the limitation "the user" in line 9. However, because there is a multiplicity of users recited in line 7, it is not clear to which user this is intended to refer. The claim also recites "said challenge phrase" in line 8; it is not clear whether this refers to one of the challenge phrases referred to at lines 4-5, or to the challenge phrase of line 8. Additionally, the claim recites "the stored biometric models for validating said spoken response" in lines 12-13; the claim also recites the limitation "said one of said users" in line 13, lines 14-15, and line 18. The claim further recites "said stored biometric model of said one of said users". There is insufficient antecedent basis for these limitations in the claim. Finally, in the limitation "said spoken response as matching said challenge phrase and a validation" at lines 16-18, it is unclear how the spoken response can match both the challenge phrase and the validation.

Claims 6 and 7 are rejected due to their dependence on rejected base claims.

Claim Rejections - 35 USC § 102

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

15. Claims 1, 2, and 4-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Kanevsky et al, US Patent 5897616.

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In reference to Claim 1, Kanevsky discloses a biometric security system including a station for receiving input information, which is representative of a user, from the user and generating a signal responsive thereto (column 6, lines 4-11, for example); a database having a plurality of words and language rules for generating one-time challenge phrases (column 6, lines 25-29); a database having biometric models of users (column 6, lines 16-24); and a controller that receives and validates the signal as representative of the user, where the controller communicates with the database that generates one-time challenge phrases for the user to speak (column 6, lines 25-29), and communicates with the station to receive a spoken response and generate a second signal that represents the response (column 6, lines 34-37), to validate voice information by speaker recognition (column 6, line 66-column 7, line 12) and verify voice information by speech recognition (column 6, lines 35-65), and to validate the spoken response to the challenge as representative of the user if the validation by speaker recognition and verification by speech recognition succeed (column 7, lines 14-25).

Claims 2 and 7 are directed to methods corresponding substantially to the system of Claim 1, and are rejected by a similar rationale.

In reference to Claim 4, Kanevsky discloses a biometric security system including a station for receiving input information, which is representative of a user, from the user and generating a first signal responsive thereto (column 6, lines 4-11, for example); a database having a plurality of stored word phrases (column 6, lines 25-29); a database storing biometric models of users (column 6, lines 16-24); and a controller receiving and

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comparing the first signal to a stored biometric model and validating the first signal if the first signal matches a stored model (column 6, line 66-column 7, line 12), where the controller further randomly selects and forwards a word phrase as a challenge for a user to speak (column 6, lines 25-29), receives and compares with the challenge a spoken response to the challenge (column 6, lines 35-65), and verifies the response as matching the challenge (column 6, lines 35-65), and where the controller additionally validates the response if the response matches the stored model (column 6, line 66-column 7, line 12), and the controller issues an authentication signal if both the response matches the phrase and the response is representative of a user (column 7, lines 14-25).

Claims 5 and 7 are directed to methods corresponding substantially to the system of Claim 4, and are rejected by a similar rationale.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zachary A. Davis whose telephone number is (571) 272-3870. The examiner can normally be reached on weekdays 8:30-6:00, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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